



More Texas Sunshine for Government

By U.S. Sen. John Cornyn

It's a continuing source of pride for me that Texas has one of the strongest laws in the U.S. expanding freedom of government information. Our state is known for allowing citizens access to government records and requiring that the material be produced quickly.

Since being elected to the U.S. Senate, I've made a point of trying to bring some of that "Texas sunshine" and openness to Washington, D.C. We have made some significant progress.

As the country observes national Sunshine Week this month, we are moving to shore up procedures to ensure that citizens and their representatives have quick and effective access to the inner workings of the federal government. The public deserves to know more about how their elected officials are working on their behalf and how their tax dollars are being spent.

Sen. Patrick Leahy (D-Vt.) and I are introducing bipartisan legislation to reform the landmark Freedom of Information Act (FOIA) of 1966. Our goal is expanding accessibility, accountability and openness for government data.

Unsurprisingly, the government often is slow—hopelessly slow, in some cases—to fulfill some information requests. One of our goals is accelerating the timetable for meeting these requests. The right to access information is diminished when requests for information are subject to lengthy delay.

Our bill, the Openness Promotes Effectiveness in our National Government Act of 2007 (the "OPEN Government Act"), would close loopholes in FOIA that can lead to waits of months – or even years – for requested information. It would protect access to FOIA fee waivers for legitimate journalists and those engaged in the expanding world of information. That would include bloggers and other Internet-based journalists.

The OPEN Government Act would also assist FOIA requestors in obtaining more timely responses by establishing FOIA hotline services in various agencies. These access points, either by telephone or the Internet, would enable requestors to track the status of their FOIA requests. It would also create a FOIA ombudsman position to review agency FOIA compliance and to suggest alternatives to litigation.

Finally, our legislation would set up strong

incentives for agencies to act on FOIA requests in a timely fashion. It would restore meaningful deadlines that require agency action on FOIA requests within 20 days of their receipt—and would impose real consequences on federal agencies for missing statutory deadlines.

Our ultimate goal is to change attitudes. Legislation can be helpful, but the administration's top-to-bottom commitment is essential. Open government is an ethic. The citizen on the telephone asking about her three-year-old FOIA request isn't a nuisance to be placed on hold and left waiting. She is—or should be—the boss.

I believe the default position of our government must be one of openness. If records can be open, they should be open. If good reason exists to keep something closed, it is the government that should bear the burden to prove that—not the other way around.

We are optimistic about seeing this bill become law sometime this year. But even if that occurs, we recognize there is much more to be done, including striking the right balance on documents marked as secret or classified by government officials, especially during a time of war. Open government does not mean we should be irresponsible about protecting our national security. But there has been severe over-classification in the past, and I will help lead an effort to find a better balance.

Open government is a prerequisite for a free society. As our Founding Fathers recognized, a truly democratic system depends on an informed citizenry. Accountability is only an empty promise without transparency. I believe our legislation will provide citizens and journalists with more information and make our great American democracy even stronger.

Sen. Cornyn serves on the Armed Services, Judiciary and Budget Committees. In addition, he is Vice Chairman of the Senate Select Committee on Ethics. He serves as the top Republican on the Judiciary Committee's Immigration, Border Security and Refugees subcommittee and the Armed Services Committee's Airland subcommittee. Cornyn served previously as Texas Attorney General, Texas Supreme Court Justice and Bexar County District Judge. For Sen. Cornyn's previous Texas Times columns: www.cornyn.senate.gov/columnn